

REMARKS

Applicant and applicant's attorney met with examiner on May 22, 2007 and the examiner filed an interview summary on May 29, 2007 summarizing the interview. The claims have been amended to further limit the apparatus and method claims, in addition Claim 17 is a new apparatus claim, which is more limited than the original claims and Claim 19 is a new method claim which again is more limited than the original claims. In addition, Claim 18 is a new claim, which describes the new business method of providing intra-operative consultation services within twenty minutes to surgeons.

The Examiner states that the application currently names joint inventors. There is only one inventor, V. Raman Sukumar. The misunderstanding may have arisen out of the Applicant possibly including more than one Declaration and Power of Attorney in his application. In any event there is only one inventor and thus there are no obligations under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned.

Claims 1 – 16 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Peters in view of Marek.


Claim 1 is an apparatus claim that has been amended to more clearly set out the laboratory purposes for the apparatus within the laboratory and the steps taken to perform the diagnosis. Claims 4 and 7 have been amended to reflect the changes in apparatus Claim 1, and Claims 6 and 8 have been cancelled. Claim 17 is a new apparatus claim, which shows the various connections from the van to different laboratory equipment and the maintenance of the conditions in the van for analyzing the fresh tissue specimens. Claim 11 has been amended to set out the sequence performed in the laboratory in order to perform the operations efficiently within the twenty minute time frame necessary for intra-operative consultation. Claim 16 has been amended in response to examiner's response to arguments. The examiner set out that Marek teaches a ventilation and air conditioning system and that there would be a power source for turning on the ventilation and air conditioning system. Claim 16 together with new Claim 17 makes it clear that the power source for providing the air conditioning is separate and apart from the power source/engine that would be turning on the ventilation and air conditioning system disclosed in Marek. The three new claims bring the number of independent claims to a total of five independent claims. A check for \$200.00 accompanies this Office Action together with a fee compilation sheet reflecting the two claims in excess of the three independent claims allowed in the original application fee.

Peters is simply an apparatus for quick freezing tissue specimens. It is an improved apparatus capable of being incorporated within the present invention. Peters does not envision utilizing the improved quick freezing apparatus in a mobile operation and there is no impetus in Peters or otherwise to look to Marek to make the operation mobile, and thus there would be no reason to combine Peters and Marek. In addition, the claims as now amended have more clearly demonstrated the differences between the present

invention and the combination of Peters and Marek. The support for all of the new claims is contained within the specification and no new matter has been added.

Reconsideration of this application is requested.

Respectfully submitted,


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Title of the Invention: Mobile Intra-Operative Microscopic Diagnosis Laboratory

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Docket No.: RS03-232

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JOHN C. ANDRADE, ESQUIRE

A handwritten signature in black ink, reading "John C. Andrade", written over a horizontal line.

August 3, 2007